UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,961	09/16/2002	TIMOTHY JAY SMITH	9D-EC-19335	7120

7590 02/17/2006

John S. Beulick
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102

EXAMINER	
SALIARD, SHANNON S	
ART UNIT	**PAPER NUMBER**
3639	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/475,961	SMITH ET AL.	
	Examiner	Art Unit	
	Shannon S. Saliard	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-60 are currently pending in this application.

Response to Arguments

2. Applicant's arguments filed 29 September 05 have been fully considered but they are not persuasive.

3. Applicant argues that Kirsch does not teach or suggest allowing an order change to be made based on a user's security clearance level. However, the Office notes that Kirsch does disclose that a PIN is required to change order information to authenticate a user (col 14, lines 60-61). Furthermore, Kirsch teaches that the PIN may be required after confirmation of a purchase in order to change an order (col 14, lines 44-58). Therefore, the rejections in respect to claims 1, 15, 40, 41, and 51 are proper Section 103 rejections based on the teachings of Juedes et al and Kirsch.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kirsch provides the motivation for modifying the delivery management system of Juedes with the additional feature of allowing a user to make an order change based on a user's security level to authenticate the user (col 14, line 60-61). Thus, the applicant's argument with respect to the Office using improper hindsight as a motivation for combining the inventions of Juedes et al and Kirsch are not persuasive.

Claim Rejections - 35 USC § 103

1. **Claims 1-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Juedes et al. (WO 01/13261) in view of Kirsch (US 5,963,915).

W.R.T. **Claim 1**, Juedes et al. discloses a method for managing the delivery of an order from at least one supplier to a delivery agent, and from the agent to a buyer, comprising the steps of (see pages 4-6., Tables 1-14; Figs. 1-18 and the descriptions thereof): calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Supra Figs. 11-15).

However, Juedes et al. does not expressly disclose the method including the step of allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27; col. 14, lines 20-65). Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsch would have been well recognized in the pertinent field of Juedes et al. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 2**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 3**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 4**: The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 5**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 6**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 7**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 8**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see Id.).

W.R.T. **Claim 9**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 10**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 11**: The modified method of Juedes et al. further discloses the method, wherein the step of allowing order changes to be made based on the users security level clearance further includes the step of allowing an order change to be made using an external order interface (see Figs. 1-2 and Supra columns of Kirsch).

W.R.T. **Claim 12**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest with status information (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 13**:The modified method of Juedes et al. further discloses the method including the step of running the delivery management system when a reschedule has been requested (see Id.).

W.R.T. **Claim 14**: The modified method of Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 15**, Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof): calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer s address (see, for

example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the order within a set of potential delivery sates based on the first potential arrival date request and the first date a delivery agent is prepared to ship the good', and selecting the actual delivery date from the set of potential delivery dates (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof).

However, Juedes et al. does not expressly disclose the method including the step of allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27, col. 14, lines 20-65). Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsçh would have been well recognized in the pertinent field of Juedes et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 16**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the

day the order is placed plus a fixed delay (see pages 4-6', Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 17**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 18**: The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 19**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6', Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 20**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 21**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 22**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the

zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 23**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 24**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 25**: The modified method of Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 26**, Juedes et al. discloses a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process, the computer process comprising the steps of (see pages 4-6, Tables 1-14', Figs. 1-18 and the descriptions thereof): determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address', determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request, and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

However, Juedes et al. does not expressly disclose the process including the step of allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27, col. 14, lines 20-65).

Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsch would have been well recognized in the pertinent field of Juedes et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the process of Juedes et al. such that the process includes the step of allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 27**: The modified process of Juedes et al. further discloses the process, wherein the step of calculating the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 28**: The modified process of Juedes et al. further discloses the process, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 29**: The modified process of Juedes et al. further discloses the process including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 30**: The modified process of Juedes et al. further discloses the process, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 31**: The modified process of Juedes et al. further discloses the process including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 32**: The modified process of Juedes et al. further discloses the process including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 33**: The modified process of Juedes et al. further discloses the process including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 34**: The modified process of Juedes et al. further discloses the process including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id).

W.R.T. **Claim 35**: The modified process of Juedes et al. further discloses the process including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 36**: The modified process of Juedes et al. further discloses the process, wherein the step of allowing order changes to be made based on the users security level clearance further includes the step of allowing an order change to be made using an external order interface (see Figs. 1-2 and Supra columns of Kirsch),

W.R.T. **Claim 37**: The modified process of Juedes et al. further discloses the process including the step of updating the electronic manifest with status information (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 38**: The modified process of Juedes et al. further discloses the process including the step of running the delivery management schedule when a reschedule has been requested (see Id.).

W.R.T. **Claim 39**: The modified process of Juedes et al. further discloses the process, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 40**, Juedes et al. discloses an apparatus comprising (see pages 4-6., Tables 1-14, Figs. 1-1 8 and the descriptions thereof: means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and

the descriptions thereof; means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); and means for updating an electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

However, Juedes et al. does not expressly disclose the apparatus including means for allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27; col. 14, lines 20-65).

Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsch would have been well recognized in the pertinent field of Juedes et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the ad to modify the apparatus of Juedes et al. such that the apparatus includes means for allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 41**, Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof: calculating a first

potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based on the first potential arrival date request, and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

However, Juedes et al. does not expressly disclose the method including the step of allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27, col. 14, lines 20-65).

Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsch would have been well recognized in the pertinent field of Juedes et al.

Accordingly, it would have keen obvious at the time the invention was made to a person having ordinary skill in the ad to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 42**: The modified method of Juedes et al. fudher discloses the method, wherein the step of determining the first potential arrival date includes the step

of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof);

W.R.T. **Claim 43**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 44**: The modified method of Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. **Claim 45**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 46**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 47**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 48**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the

zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 49**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 50**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. **Claim 51**, Juedes et al. discloses a method comprising the steps of (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof: calculating a first potential arrival date of the order to a respective delivery agent's location, using the server system based on the order request date and the buyer's address (see Supra Claims); determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

However, Juedes et al. does not expressly disclose the method including the step of allowing an order change to be made based on a user's security level clearance.

Kirsch teaches, for a secure system and method for performing trans-internet purchase transactions, that the invention shows that an order change is made based on a user's security level clearance (see col. 5, lines 22-27, col. 14, lines 20-65).

Since Juedes et al. and Kirsch are both from the same field of endeavor, the purpose disclosed by Kirsch would have been well recognized in the pertinent field of Juedes et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Juedes et al. such that the method includes the step of allowing an order change to be made based on a user's security level clearance, as taught by Kirsch, for the purpose of providing a method of efficiently performing secure purchase transactions over the Internet.

W.R.T. **Claim 52**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 53**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.).

W.R.T. **Claim 54**: The modified method of Juedes et.al further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.).

W.R.T. **Claim 55**: The modified method of Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer

based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 56**: The modified method of Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. **Claim 57**: The modified method of Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.).

W.R.T. **Claim 58**: The modified method of Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6, Tables 1-14, Figs. 1-18 and the descriptions thereof).

W.R.T. **Claim 59**: The modified method of Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.).

W.R.T. **Claim 60**: The modified method of Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 272-5587 [Informal/ Draft Communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

sss

Shannon S Saliard
Examiner
Art Unit 3639

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER